

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

Devin G. Nunes,)	Case No. 5:19-cv-04064-CJW-MAR
)	
Plaintiff,)	
)	
v.)	
)	
Ryan Lizza, Hearst Magazines, Inc., and)	
Hearst Magazine Media, Inc.,)	
)	
Defendants.)	
)	
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NuStar Farms, LLC, Anthony Nunes, Jr.,)	Case No. 5:20-cv-04003-CJW-MAR
and Anthony Nunes, III,)	
)	
Plaintiffs,)	
)	
v.)	
)	
Ryan Lizza and Hearst Magazine Media,)	
Inc.,)	
)	
Defendants.)	
)	
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Joint Motion to Continue Trial and Modify Trial Management Order

Plaintiffs NuStar Farms, LLC, Anthony Nunes, Jr. and Anthony Nunes, III (“the NuStar Plaintiffs”), and Devin G. Nunes (“Devin Nunes,” together with the NuStar Plaintiffs, “Plaintiffs”), and Defendants Ryan Lizza and Hearst Magazine Media, Inc. (“Defendants”), pursuant to Local Rule 16(f), jointly move the Court for an order modifying the Trial Management Order (Dkt. 85) as follows.

- (i) Continuing the April 17, 2023 trial date, pending the Court’s decision on Defendants’ Motion for Summary Judgment.

- (ii) Adjourning all pretrial deadlines in the Trial Management Order (Dkt. 85) and resetting them based on the substituted trial date.

As and for good cause in support of these requests, the parties state:

1. Defendants moved for summary judgment on October 25, 2022 seeking dismissal of all claims by all Plaintiffs in this consolidated matter. (Dkt. 118.) Plaintiffs timely opposed on November 22, 2022. (Dkt. 130.) Defendants filed reply papers on December 16, 2022. (Dkt. 139.) The Court heard oral argument on the motion on January 6, 2023. (Dkt. 144.) The Court's decision on the Motion for Summary Judgment is still pending.

2. Under the current pretrial order, the parties are to exchange witness lists, exhibit lists, jury instructions and motions *in limine* by Monday, March 13, 2023. Other pretrial deadlines continue through March. The deadline for the parties to submit their joint proposed pretrial order is March 31, 2023. The final pretrial conference is scheduled for April 3, 2023 and trial is set to begin on April 17, 2023.

3. The Court's decision on the Motion for Summary Judgment may narrow or eliminate issues to be tried, and thus, affect the substance of the parties' pretrial filings. The Court's ruling on the Motion for Summary Judgment may also significantly affect the parties' pre-trial strategy. For these reasons, modification of the Trial Management Order would be in the interests of justice and help preserve the resources of the parties and the Court.

4. The parties agree that the Trial Management Order (Dkt. 85) would continue to govern this case with the new trial date substituted. All deadlines established in the Trial Management Order would be calculated based on the substituted trial date.

5. This is the first modification of the February 14, 2022 Trial Management Order that the parties have requested.

6. The parties agree that the granting of this motion will assist the parties and the Court without prejudicing any party.

7. In accordance with Local Rule 7(l), counsel for Plaintiffs and Defendants conferred on the relief sought by this motion. All parties consent to the relief sought and all parties join in this motion.

WHEREFORE, Plaintiffs and Defendants respectfully request entry of an order:

- (i) Continuing the April 17, 2023 trial date, pending the Court's ruling on Defendants' Motion for Summary Judgment. The parties would jointly contact the Court within one week of the Court's ruling to propose trial dates, if necessary. Alternatively, should the Court prefer to set a specific trial date at this time, the parties have conferred and are available for trial during the weeks beginning October 23, 2023, October 30, 2023, and November 6, 2023; and
- (ii) Adjourning all pretrial deadlines in the Trial Management Order and resetting them based on the substituted trial date.

Dated: March 8, 2023.

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**Devin G. Nunes, NuStar Farms, LLC,
Anthony Nunes, Jr. Anthony Nunes, III,
Plaintiffs**

/s/ Steven S. Biss

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**Admitted Pro Hac Vice*

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Certificate of Service

The undersigned certifies that a true copy of the foregoing **Joint Motion to Continue Trial and Modify Trial Management Order** was served upon the following parties through the Court's CM/ECF electronic filing system on March 8, 2023.

Copy to:

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